

REMARKS

This is meant to be a complete response to the Office Action mailed August 24, 2005. Claims 1 through 19 are currently pending in the application for patent. Claims 20 through 27 have been withdrawn from current consideration. In the Office action issued on August 24, 2005, the Examiner rejected Claim 1 as failing to comply with the second paragraph of 35 U.S.C. §112 and rejected Claims 1 through 19 on art. The Applicant has fully considered the Office action and cited references and submits this Reply and Amendment in response to the Examiner's rejections. Reconsideration of the application for patent is requested.

REJECTIONS OF THE CLAIMS

Rejection under 35 U.S.C. §112, second paragraph

The Examiner rejected Claim 1 as failing to comply with the requirements of the second paragraph of §112. Specifically, the Examiner indicated that the term "the network interface" in line 16 lacks proper antecedent basis. The Applicant has herein amended Claim 1 to change this element in line 16 to read "the network interface device," which refers to the element introduced in line 8 of the Claim. Amended Claim 1 is in full compliance with the second paragraph of §112 and this rejection should be removed.

Applicant has likewise amended Claims 6 and 7 to reflect proper antecedent basis.

Rejection under 35 U.S.C. §102

The Examiner rejected Claims 1 through 8, 11 through 17 and 19 as being anticipated by United States Patent No. 6,233,234 to Curry for SECURE LAN/INTERNET TELEPHONY (hereinafter referred to as "Curry"). Applicant has herein amended independent claims 1, 11, and 15 to more clearly point out the invention in light of the cited reference. Specifically, the amendments made herein indicate that the claimed apparatus is able to *automatically* detect a toll call and *selectively* route the toll call to a computer network. Curry does not disclose a device with this capability. Indeed, careful review of the reference reveals that it is *completely devoid* of any illustration and description of such a feature. Accordingly, Curry does not anticipate any of the independent claims under current consideration (1, 11, 15), as amended, and this rejection should be removed.

Curry is directed to a device designed to enable the directing of telephone calls over a computer network, such as a local area network or a wide area network, such as the internet. The device disclosed by Curry is typical of prior art devices in that it requires special input by a user in order to route a telephone call over the computer network (see, for example, column 17, lines

7 through 21 in Curry). This setup is disadvantageous at least because it requires a user to remember to trigger a network-based call, when appropriate, and it requires that special, unconventional input be made to route a call to the network.

These disadvantages of the prior art are specifically addressed by the technical advance made by the applicant. As stated in the Background section of the pending application, "...there is a need for an internet telephony device and method that operates in a transparent manner to the users" (see paragraph 0012). The claimed device "...automatically detects the type of call being made, i.e., a local or toll call, and routes the call accordingly" (see paragraph 0014). As described in the Summary section of the pending application, "When placing any phone call, local or toll, the user need not enter a special signal, such as the "#" symbol, and need not dial unfamiliar destination codes, such as IP addresses. As a result, the device is truly transparent to the user." (see paragraph 0017) (emphasis added).

To properly serve as a basis for rejection under 35 U.S.C. §102, a cited reference must disclose each and every limitation present in a claim. Considering the absence of the ability to automatically detect whether a call is a local or a toll call, Curry does not anticipate any of the independent claims (1, 11, 15) in the application, as amended. Furthermore, because each of the remaining dependent claims also includes this limitation, by way of dependency

on one of the independent claims, Curry also fails to anticipate these claims. Accordingly, this rejection of the claims should be removed.

Rejection under 35 U.S.C. §103

The Examiner rejected Claims 9, 10 and 18 under 35 U.S.C. §103. Specifically, the Examiner rejected Claim 9 as being unpatentably obvious over Curry in view of United States Patent No. 5,764,278 to Nagao for VIDEO CONFERENCE APPARATUS FOR STORING A VALUE OF A PARAMETER WHEN COMMUNICATION IS TEMPORARILY DISCONNECTED (hereinafter referred to as "Nagao"). Also, the Examiner rejected claims 10 and 18 as being unpatentably obvious over Curry in view of United States Patent No. 6,577,622 to Schuster for SYSTEM AND METHOD FOR USING A PORTABLE INFORMATION DEVICE TO ESTABLISH A CONFERENCE CALL ON A TELEPHONY NETWORK (hereinafter referred to as "Schuster").

In each of the rejections under §103, the Examiner relies on Curry for the disclosure of all limitations except for the specified CODEC (Claim 9) and the internet telephony protocol (Claims 10 and 18). As detailed above, Curry fails to disclose the ability to automatically detect a toll call, which, by way of the amendments made herein, has been added to each independent claim and, therefore, is included in Claims 9, 10 and 18. Nagao and Schuster fail to cure this defect of Curry.

To properly serve as a basis for rejection under 35 U.S.C. §103, a cited combination of references must disclose each and every limitation present in a claim. As described above, the combinations asserted by the Examiner fail to disclose each and every limitation of the rejected claims. As a result, the rejections under §103 should also be removed.

SUPPORT FOR AMENDMENTS

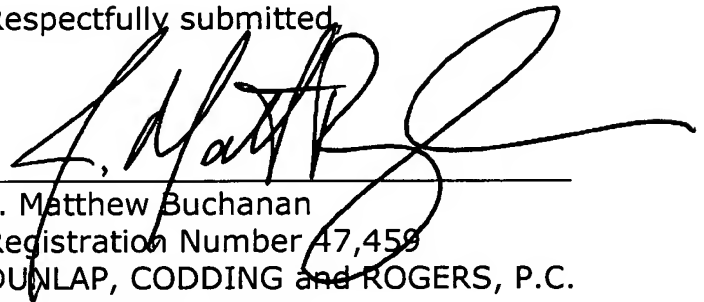
The application as filed includes support for the amendments made herein. See, for example, paragraphs 0014 and 0017. See also the description of one particular embodiment in paragraph 0038 (p. 13, lines 10-15 in particular). No new matter has been introduced by way of these amendments.

CONCLUSION

The Applicant has fully responded to the rejections listed by the Examiner in the August 24, 2005 Office Action. All claims under consideration define patentable subject matter and should be recognized as such. A Notice of Allowability is requested.

Should the Examiner have any questions regarding this Amendment, or the remarks contained herein, Applicant's attorney would welcome the opportunity to discuss such matters with the Examiner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Matthew Buchanan", is written over a horizontal line.

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